IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

WRIT PETITION NO. 488 (M/S) OF 2002

U.P.S.R.T.C. through Regional Manager
Dehradun .....Petitioner

Versus

1. Presiding Officer Labour Court, Dehradun.
2. Sri Jawahar Singh S/o Sri Vikram Singh,
   R/o Vill. Bhojpur, Post same,
   District Ghaziabad. .....Respondnets

05.04.2006

Sri A.N. Sharma, learned counsel for the petitioner.
Learned Standing Counsel for the respondents.

Hon'ble Rajesh Tandon, J.

Heard Sri A. N. Sharma, Learned Counsel for the petitioner and Learned Standing counsel for the respondents.

By the present writ petition, the petitioner has prayed for quashing the award passed by the Labour Court, Dehradun in case No.88/2001 dated 20/09/2001.

Briefly stated according to the case of the petitioner, the respondent No.2 was ill tempered and ill behaved workmen and he was habitual of consuming liquor even on duty. Petitioner has submitted that the Respondent No.2 has misbehavioured with Umesh David driver assaulted him and also abused Sri Guman Singh driver of Kotdwar Depot on 29.01.1995. Thereafter the domestic enquiry was made and the enquiry officer has duly submitted his detailed and reasoned findings before the punishing authority holding the respondent no.2 guilty for the charges framed. A show cause notice was given to the respondent No.2. The authority concerned has found that the charges are fully established against the respondent No.2 thereafter the respondent No.2 was dismissed from 19.11.1999.

On a reference the Labour Court on 20.09.2001 passed an award re-instating the respondent no.2 in service with back wages stopping his one year increment without future effect and further

allowing him the remaining wages for the suspension period as well Rs.500/- as cost against the petitioner.

I have perused the record and heard the arguments of both the parties. It has come on record that respondent No.2 has already been reinstated. However, he will be entitled for 50% towards back wages in view of the decisions of the Apex Court.

In view of the above, the writ petition is partly allowed. No order as to costs.

(Rajesh Tandon, J.)

05.04.2006
Jain